

## **Board of Registration of Optometry**

### **Public Session Minutes**

Meeting Held by Phone/Video Conference

DATE: September 16, 2020 TIME: 10:00am

#### **Board Members Present by Phone/Video:**

Everett Sabree, OD

Rhonda Willinger, OD

Marianne Sarkis, Ph.D.

#### **DPL Staff Present by Phone/Video:**

Michael Hawley, Executive Director

Lynn Read, Board Counsel

#### **Board Members Absent:**

Jeanette Sewell, OD

Bruce Rakusin, OD

Meeting called to order at 10:03 AM by Dr. Sabree

#### **Review of minutes:**

- August 19, 2020

**Dr. Sabree moved to approve the minutes of the August 19, 2020 meeting as written.**

**Dr. Willinger seconded. The motion passed on a roll call vote: Dr. Willinger – “yes”;**

**Dr. Sarkis – “yes”; Dr. Sabree – “yes”**

#### **Report from Executive Director:**

- Mr. Hawley reported that board staff continues to work mainly from home with two staff going in to the office twice a week for processes that require that staff be on-site. He reported that thirty optometry licenses have been issued since the state of emergency was declared in March. He also reported that board staff has received an unusually high number of reinstatement requests over the past few months.

#### **Legal Update from Board Counsel, Lynn Read:**

- Ms. Read stated that she did not have a report separate from the Discussion items on today's Agenda.
- Healthcare reform bill: Attorney Mark Molloy spoke briefly with updates on the Healthcare reform bills in the Massachusetts House of Representatives and the Massachusetts Senate. Mr. Molloy indicated that the extension of the legislative session means that there is no last minute rush to get bills passed. The House has made efforts to keep the bill narrowly focused on COVID-19 related matters while the Senate seems to support a broader approach.

### **Discussion:**

- License Reinstatements – Mr. Hawley reported that several requests for reinstatement have highlighted an issue with the Board’s license reinstatement regulations. Licensees who have left the state to practice in another state and who have let their licenses expire are required by the regulations to demonstrate that they have completed Continuing Education in the interim and that the CE complies with the Massachusetts CE requirements. However, several states have CE requirements that differ from Massachusetts requirements, including allowing CE from approving entities that are not approved by Massachusetts. This often forces reinstatement applicants to take many additional CE courses in order to make up for the difference when, had they been applying for a new license in MA by reciprocity, they would not have been required to demonstrate any CE. It is not possible to issue two licenses of the same type to one individual. So an individual licensed in another state and attempting to reinstate a Massachusetts license would be at a disadvantage compared with an individual similarly licensed who applied for a new license in Massachusetts. This has become more of an issue recently due to the increased number of reinstatement requests that have been submitted due to the increase in telepractice brought about by the COVID-19 emergency. The Board discussed the topic and directed Board Counsel to draft language for an emergency policy and regulation changes to address the issue.
- Delegation to Non-licensed Assistants - Tabled for a future meeting
- Review of Current Regulations, 246 Code of Mass. Regulations – Tabled for discussion at a future meeting
- Impacts of the COVID-19 Pandemic: Jessica Bertrand of the Massachusetts Society of Optometrists requested that the Board address the handling of Distance Learning CE in light of the probable continuation of the COVID-19 state of emergency beyond the end of 2020. She indicated that providers need to schedule the courses and report the information in September. The Board agreed to discuss the topic at the October board meeting. Dr. Chu of New England College of Optometry indicated that he could offer a presentation of an interactive “live” course at the next meeting. The Board agreed to have the demonstration at the next meeting.

### **Open Session for topics not reasonably anticipated by the chair within 48 hours of the meeting:**

None.

### **Investigative Conference, Quasi-Judicial Session, Executive Session :**

None.

**At 11:08 am, Dr. Sabree moved to adjourn the public meeting. Dr. Sarkis seconded. The motion passed on a roll call vote: Dr. Willinger – “yes”; Dr. Sarkis – “yes”; Dr. Sabree – “yes”.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Hawley". The signature is fluid and cursive, with the first name "Michael" and last name "Hawley" clearly distinguishable.

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Michael Hawley, Executive Director

Documents used in the open meeting:

- Agenda for September 16, 2020 board meeting
- Draft Minutes of August 19, 2020 board meeting